

RESOLUTION NO. 2005-216

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, COUNTY OF SAN JOAQUIN, DECLARING THE RESULTS OF THE ASSESSMENT BALLOT TABULATION, TO ANNEX TERRITORY INTO THE LODI CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT NO. 2003-1, ORDERING MAINTENANCE WORK THEREIN AND CONFIRMING THE REPORT, DIAGRAM, AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT THEREIN

WHEREAS, the City Council of the City of Lodi has initiated proceedings for the annexation of territory and levy of annual assessments in a special maintenance district created pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California (the "1972 Act"), Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID, and the Implementation Act may be referred to collectively herein as the "Assessment Law"), such special assessment district annexation known and designated as City of Lodi Consolidated Landscape Maintenance District No. 2003-1 (the "District"). The areas proposed to be annexed will become Zones within the District. Such Zones shall be known and designated as:

ZONE 8 – VINTAGE OAKS

ZONE 9 – INTERLAKE SQUARE

ZONE 10 – LAKESHORE PROPERTIES

ZONE 11 – TATE PROPERTY

ZONE 12 – WINCHESTER WOODS

WHEREAS, the City Council did order and subsequently receive a report prepared by NBS (the "Assessment Engineer") prepared in accordance with the Assessment Law (the "Engineer's Annexation and Annual Levy Report"); and

WHEREAS, the City Council has carefully examined and reviewed the Report as presented and is satisfied with the proposed annexation, each and all of the budgets items and documents as set forth therein, and is satisfied that the levy amounts have been spread in accordance with the special benefit received from the improvements, operation, maintenance, and services to be performed within the District, as set forth in said Report; and

WHEREAS, the City Council did set the time and place for a public hearing to consider the proposed District and the authorization to levy annual assessments therein and did order that notice of such public hearing accompanied by assessment ballots be given to the record owners of property within the proposed District in accordance with the provisions of the Assessment Law; and

WHEREAS, notice of such public hearing accompanied by assessment ballots were mailed to the record owners of property within the proposed District in accordance with the provisions of the Assessment Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. RECITALS: The above recitals are all true and correct.

SECTION 2. PROCEDURES: This City Council hereby finds and determines that the procedures for the consideration of the levy of the assessments have been undertaken in accordance with the Assessment Law.

SECTION 3. ASSESSMENT BALLOT PROCEDURES: Assessment ballots were mailed as required by Assessment Law to the record owners of all properties within the District, which are proposed to be assessed. The assessment ballots that were completed and received by the City Clerk prior to the close of the public hearing have been tabulated in accordance with the procedures established by Assessment Law and this City Council, and the results of such tabulation have been submitted to this City Council.

This City Council hereby finds that the assessment ballots submitted in favor of the levy of assessments as weighted in accordance with Assessment Law exceed the assessment ballots submitted in opposition to such levy also as weighted in accordance with Assessment Law. Therefore, no majority protest to the levy of assessments within the District has been found to exist.

SECTION 4. ANNEXATION OF TERRITORY: This City Council hereby orders the annexation of territory into the District.

SECTION 5. DETERMINATION AND CONFIRMATION: Based upon the Assessment Engineer's Report and the testimony and other evidence presented at the public hearing, the City Council hereby makes the following determinations regarding the assessments proposed to be imposed for Fiscal Year 2006-07 and the maximum annual assessments proposed to be imposed to pay for the estimated costs of the maintenance of all of the improvements to ultimately be maintained upon the completion and acceptance of thereof:

- a. The proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entirety of the cost of the operations and maintenance expenses.
- b. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- c. Only the special benefits have been assessed.

The assessments for the District contained in the Assessment Engineer's Report for Fiscal Year 2006-07 are hereby confirmed and levied upon the respective lots or parcels in the District in the amounts as set forth in such Final Assessment Engineer's Report. Subsequent annual assessments in amounts not to exceed the maximum annual assessment of the estimated costs of the maintenance of all of the improvements to ultimately be maintained upon the completion and acceptance thereof as set forth in the Final Assessment Engineer's Report may be subsequently confirmed and levied without further assessment ballot proceedings pursuant to the Assessment Law. As of December of each fiscal year after the base year (Fiscal Year 2006-07), the maximum amount of each assessment (the "Maximum Assessment") shall be increased by the greater of 5% or C.P.I. without further compliance with the assessment ballot procedures required under the Assessment Law.

SECTION 6. ASSESSMENT ENGINEER'S REPORT: The "Report" as presented, consists of the following:

- A. Description of Improvements.
- B. The Annual Budget (Costs and Expenses of Services, Operations and Maintenance)

C. The District Roll containing the Fiscal Year 2006-07 Levy for each Assessor Parcel within the District.

This City Council hereby finds the Engineer's Report to be satisfactory, approved and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

- SECTION 7. ORDERING OF MAINTENANCE: The public interest and convenience requires and this legislative body does hereby order the maintenance work to be made and performed as said maintenance work is set forth in the Final Assessment Engineer's Report.
- SECTION 8. FILING WITH CITY CLERK: The above-referenced diagram and assessment shall be filed in the Office of the City Clerk. Said diagram and assessment, and the certified copy thereof, shall be open for public inspection.
- SECTION 9. FILING WITH THE COUNTY AUDITOR: The City Clerk is hereby ordered and directed to immediately file a certified copy of the diagram and assessment with the County Auditor. Said filing to be made no later than the 3rd Monday in August.
- SECTION 10. ENTRY UPON THE ASSESSMENT ROLL: After the filing of the diagram and assessment, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the assessment.
- SECTION 11. COLLECTION AND PAYMENT: The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments.
- SECTION 12. FISCAL YEAR 2006-07: The assessments as above confirmed and levied for these proceedings will provide revenue to finance the maintenance of authorized improvements in the fiscal year commencing July 1, 2006 and ending June 30, 2007.

Dated: October 5, 2005

I hereby certify that Resolution No. 2005-216 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 5, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, and Mayor Beckman
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – Hitchcock
ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk